

MIDLANT Legal Compass

Guiding Warfighters through Legal and Ethical Waters

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The primary mission of Region Legal Service Office Mid-Atlantic (RLSO MIDLANT) is to provide prosecution, command services, and legal assistance support to eligible commands and persons in support of Fleet operational readiness.

The *MIDLANT Legal Compass* is a periodic newsletter published by the RLSO MIDLANT Command Services Department.

Basic Legal Information for Command TRIADs and Individual Sailors

This edition of the Legal Compass discusses updates to legal assistance services in the Hampton Roads Area, the procedure to get orders for servicemembers in civilian confinement, provides a link to the updated QUICKMAN publication, discusses changes to DoD servicemember's citizenship program, explains a recent tax policy change and how it will affect FRGs, examines MWR and their fundraising regulations, and the environmental note discusses the benefits of Navy recycling policy. For the most up-to-date guidance and advice, contact your local RLSO MIDLANT Command Services Office.

As always, we end with a brief discussion of the courts-martial and boards of inquiry completed this quarter. For questions about these cases, please contact either the RLSO MIDLANT Trial Department or the Staff Judge Advocate to Commander, Navy Region Mid-Atlantic (CNRMA).

If you seek additional information or have a topic suggestion, please contact our Legal Compass Editor, the Command Services Department Head, LCDR Erik Carlson.

Very Respectfully,
/S/

Peter R. Koebler
CAPT, JAGC, USN
Commanding Officer, RLSO MIDLANT



Updates to Legal Assistance Services in the Hampton Roads Area

Oceana Office Update

The Naval Air Station Oceana Legal Assistance Branch Office is temporarily closed. Limited services are provided in the NAS Oceana Headquarters Building located at 1750 Tomcat Blvd., Virginia Beach, VA 23460 (Building 230). Those limited services include Powers of Attorney and Notary services and are offered on Mondays and Thursdays between 0900-1200 and 1300-1500. These services are only for eligible legal assistance customers and customers must provide two forms of identification.

Eligible servicemembers and dependents can receive additional Legal Assistance services either at RLSO MIDLANT offices onboard Naval Station Norfolk or onboard Joint Expeditionary Base Little Creek-Fort Story. Office locations and contact information for those offices are provided below.

Naval Station Norfolk (Main Office), Building A-50	JEB Little Creek-Fort Story (Branch Office), Building 3370
Phone: (757) 341-4489 Walk-in attorney services: <ul style="list-style-type: none"> Monday, Tuesday, & Thursday: 0745-1145, 1300-1530 Wednesday: 0900-1145, 1300-1530 Friday: 1030-1200 Power of Attorney/most notary services: <ul style="list-style-type: none"> Monday, Tuesday, & Thursday: 0745-1145, 1300-1530 Wednesday: 0900-1145, 1300-1530 Friday: 0900-1200 Retirees are seen by appointment only at JEB Little Creek-Fort Story (next block)	Phone: (757) 462-4759 Walk-in attorney Services: <ul style="list-style-type: none"> Monday – Thursday: 0900-1145, 1300-1530 Power of Attorney/most notary services <ul style="list-style-type: none"> Monday, Wednesday, Thursday: 0800-1145, 1300-1530 Tuesday: 0900-1145, 1300-1530 Appointments for retirees are available by calling (757) 462-4759 on Mondays after 1000

Naval Air Station Oceana Legal Assistance Branch Office has been temporarily closed.

Legal Assistance Services

Legal assistance is a service that the United States Navy provides to Sailors in order to ensure legal readiness. Legal readiness is a part of unit readiness. RLSO MIDLANT offers legal consultation from licensed attorneys for matters involving Wills, Family Law, Landlord-Tenant Law, Consumer Law, and certain Powers of Attorney. RLSO MIDLANT also offers non-attorney services including Notary Services and certain Powers of Attorney that do not require assistance from an attorney.

Active-duty servicemembers and dependents are seen on a first-come, first served basis, limited by attorney availability during walk-in hours (listed above). Priority is given to active-duty servicemembers who are deploying within 30 days. For more information, visit www.jag.navy.mil → Legal Services → Legal Assistance → RLSO MIDLANT.

Orders to Confinement?

Procedure for Servicemembers in Civilian Confinement

The correct procedure for the transfer of servicemembers to civilian confinement depends on the status of the servicemember's civilian case. The procedure for pre-trial confinement—confinement before a conviction and sentencing—differs from the procedure for servicemembers who have been tried by civilian authorities and sentenced to confinement. These different procedures ensure due process for the servicemember while balancing the need for commands to maintain administrative control over their servicemembers.

Servicemembers in Pre-Trial Confinement

Ordinarily, servicemembers who are in pre-trial confinement should not receive transfer orders. If transfer orders are absolutely necessary, for officers, per MILPERSMAN 1611-101, PERS-834 should be notified of the civilian confinement. PERS-834 will coordinate with PERS-4 and PERS-00J to determine whether transfer orders are appropriate. For enlisted personnel E-1 through E-9, per MILPERSMAN 1616-040, notify PERS-832 of the confinement and PERS-832 will coordinate with PERS-4 and PERS-00J to determine whether transfer orders are appropriate. Again, transfer orders for pre-trial confinement are only warranted under unusual circumstances.

Servicemembers Sentenced to Confinement by Civilian Authorities

PERS-834 (officer) or PERS-832 (enlisted) should be notified after the servicemember is sentenced to confinement. PERS needs the following data in order to process the PCS: sentencing paperwork explaining the length of the sentence, the date the sentence is to commence, and the court that decided the sentence; the actual address of the location the confinement will take place; the identity of the command which will retain BOI responsibility; and the location of any dependents. Once processed, CNPC will issue PCS orders for confinement. When the servicemember actually enters confinement and PCS orders are issued the servicemember detaches from their current command.

If administrative processing is also appropriate follow the proper procedures as provided in the MILPERSMAN. However, a servicemember in foreign confinement should not be separated until they are released from confinement. If administrative processing is not warranted then, under usual circumstances, the servicemember should not receive transfer orders until released from confinement.

Once PCS orders are issued, commands must notify their local PSD, who should place the servicemember in Accounting Category Code 392, suspend pay, and begin documenting the servicemember's unauthorized absence for the duration of the civilian confinement. It is never appropriate for a servicemember in confinement to be placed in a leave status.

For additional information refer to NAVADMIN 244/14.

“These different procedures ensure due process for the servicemember while balancing the need for commands to maintain administrative control over their servicemembers.”

Latest and Greatest: USN/USMC Commander's Quick Reference Legal Handbook

The Naval Justice School recently published an updated version of the USN/USMC Commander's Quick Reference Legal Handbook, also known as the QUICKMAN. The QUICKMAN can be found here:

<https://portal.secnav.navy.mil/orgs/JAG/FLL/SitePages/Publication%20and%20Manuals%20Library.aspx> → Current Publications tab → Publications for Commanders → QUICKMAN 2017, or at http://www.jag.navy.mil/documents/NJS/QUICKMAN_October_2017.pdf.

The QUICKMAN is a user friendly resource that provides basic context for issues ranging from Sexual Assault Prevention and Response, to JAGMAN Investigations and Information Access. It is a great resource for Commanders and Staff Judge Advocates alike. It provides suggested action steps and current references for further analysis. It is an important note that the QUICKMAN is no substitute for knowledge of the applicable primary source rules and regulations.

Update: DoD Servicemember Citizenship Program

The Department of Defense recently implemented two significant changes to its policy of certifying military service for immigration purposes. The first is that all N-426 forms must be signed by an O-6 or above. There are no exceptions to this requirement. The second significant change is that all servicemembers must have 180 consecutive days of active duty service, or one year for reservists in order to be certified. There is an exception to the 180-day requirement that applies if the servicemember is serving in a hazardous duty area. Under this exception, the servicemember must have completed basic training requirements and satisfactorily served at least one day of active duty service in a location designated as a combat zone, a qualified hazardous duty area, or an area where service in the area has been designated to be in direct support of a combat zone, and which also qualifies the member for hostile fire or imminent danger pay.

If you have any additional questions about the DoD servicemember citizenship process, email: Norfolk.Military@uscis.dhs.gov.

Tax Filing Changes affect Family Readiness Groups

FRG Handbook & 26 U.S.C. 501(c)(4)

Family Readiness Groups

A Family Readiness Group (FRG) is a self-sustaining organization formed to serve as a resource for military families. FRGs plan, coordinate, and conduct informational, care-taking, morale-building and social activities to enhance family preparedness, command mission readiness and the well-being of Sailors and their families. FRGs provide a variety of services, including coordinating of social events, welcoming new members to the Navy lifestyle, and supporting families facing a range of crises. FRGs are especially effective for deployed units and units that are working up to deployment.

Generally, FRGs are comprised of family members, Sailors, and civilians associated with a command and its personnel. The Navy FRG Handbook suggests an FRG's organization should include a President, Vice President, Secretary, and Treasurer. Further, the supported command should designate a command liaison to act as an information conduit between the FRG and the command. The command's Ombudsman is recommended to develop a working relationship with the FRG. The Ombudsman may actively participate in the FRG in a personal capacity, but may not hold an office.

FRGs can be a rewarding experience for its members, bringing lasting friendships and the satisfaction of helping others. If a command is seeking to create or revive a FRG, the FRG Handbook (https://www.cnmc.navy.mil/content/dam/cnmc/hq/pdfs/n91_fleet_and_family_support_program/deployment_readiness/DeploymentFamilyReadinessGroupsHandbook.pdf) is a helpful resource that will set the organization up for success.

Taxes?

An effective FRG is programming to support Sailors and families, which often requires purchasing goods and services. FRGs may qualify as a non-profit organization under section 501(c)(4) of the Internal Revenue Code but there is no requirement that an FRG must obtain 501(c)(4) status. However, obtaining 501(c)(4) status is a great benefit to any effective FRG.

501(c)(4) organizations operate exclusively to promote social welfare and must operate primarily to further the common good and general welfare of a community. FRGs benefit from tax-exempt status because the organization can avoid paying retail sales and use taxes when purchasing goods and services.

However, the preferential tax exempt status also carries a strict reporting requirement. A 2015 IRS tax regulation change requires newly formed FRGs to notify the Secretary of the Treasury of their “Intent to Operate Under Section 501(c)(4),” and to pay a \$50 fee. Form 8976, which serves as the notice, must be filed within 60 days of FRG formation. Best practice is to file immediately to avoid a \$20 per day, up to \$5,000, penalty. Form 8976 can be electronically submitted (<https://www.irs.gov/charities-non-profits/electronically-submit-your-form-8976-notice-of-intent-to-operate-under-section-501c4>).

Additionally, 501(c)(4)FRGs that have annual receipts of less than \$50,000 are required to submit Form 990-N (e-Postcard) to the IRS by May 15 of each year. Failure to file for three consecutive years will result in the automatic revocation of tax-exempt status, effective on the original filing due date of the third annual notice. To avoid automatic revocation, Form 990-N can now be submitted online (<https://www.irs.gov/charities-non-profits/annual-electronic-filing-requirement-for-small-exempt-organizations-form-990-n-e-postcard>).

It is also important to note that donations to 501(c)(4) organizations are generally not tax deductible and FRGs may be required to disclose that information when soliciting contributions.

For more information, please see NAVADMIN 194/17.

A look at Morale, Welfare, and Recreation Fundraising Regulations

CNICINST 1710.3

Morale, Welfare, and Recreation (MWR) is a term that is commonly used but it is not always understood. As a legal entity, Navy Military MWR is a non-appropriated fund instrumentality created under the authority of the Secretary of the Navy, as explained in CNICINST 1710.3. In the Fleet we commonly refer to that entity as “Big MWR.” Big MWR is subdivided into operational organizations with defined areas of responsibility (AOR). For example, MWR AOR Commander, Navy Region Midlant (CNRMA), Naval Station Norfolk has an organizational structure that is separate and distinct from MWR AOR CNRMA, Naval Station Newport. Big MWR responsibilities include operation of installation facilities that inspire *esprit de corps* for servicemembers and their families.

Although MWR organizational structures may have different AORs and different operational styles, all MWR employees are employees of Commander, Naval Installations Command (CNIC). As such, MWR employees are subject to Federal Standards of Conduct regulations, including the rules on fundraising. Big MWR is not authorized to unilaterally approve fundraising of any kind. Fundraising activities in an MWR facility must be approved by either the Region Commander or the Installation Commanding Officer after a review by the command’s ethics counselor, per CNICINST 1710.3. Big MWR will not fundraise in workspaces.

Tenant commands located on installations that operate Big MWR programs are entitled to Unit Allocation Funds (UAF) based on the number of active duty service members assigned. These funds are typically used to support tenant command recreation activities such as command summer picnics, holiday parties, or similar events. UAF are limited and commands often elect, through their Recreation Committees, to conduct fundraisers to bolster the amount of money available for these events.

Little MWR

Events committee, Petty Officers’ Mess, Chiefs’ Mess, and Wardroom fundraising events are typically conducted by Command Recreation Committees – or what the Fleet sometimes refers to as “Little MWR.” Little MWR operations are governed by the same Standards of Conduct regulations, but not by CNICINST 1710.3. Little MWR events and fundraising may fall under an exemption to the Standards of Conduct regulations on fundraising. But, all Little MWR organizations should seek advice from their command Ethics Counselor before engaging in fundraising activities.

“Navy Military MWR is a non-appropriated fund instrumentality created under the authority of the Secretary of the Navy.”

While Little MWR organizations regularly engage in fundraising activities, they often do not operate checking accounts to hold those funds. Big MWR, as a federal entity, does have a checking account and a division to manage their finances, but is prohibited from engaging in fundraising itself. This is how Little MWR and Big MWR work together. Little MWR deposits proceeds from fundraising activities to Big MWR, who will hold the money in a subsidiary recreation fund—essentially acting as a bank for Little MWR organizations. Incidentally, this is likely how Little MWR events become confused with big MWR events, because the money is ultimately held by Big MWR. However, it is important to keep the functions of the two organizations distinct. The money deposited with Big MWR becomes subject to the same rules and regulations as UAF, but are otherwise available to the Recreation Committee at any time.

Fundraising Ethically

Little MWR organizations can look to several time tested forms of fundraising such as bake sales, car washes, and gently used baby clothes sales, or bowling tournaments to raise money. When these events are conducted by Little MWR on military installations, the fundraising is considered “by our own, for our own” (BOOFOO), which exempts certain Standards of Conduct rules. Do not let this guidance stifle new, creative forms of fundraising, but please be advised to consult with an Ethics Counselor beforehand.

If your command has any additional questions concerning fundraising, your local Big MWR director is a great point-of-contact. If your command Little MWR has any concerns over fundraising activity, your local Staff Judge Advocate is a great first point-of-contact.

****GEDUNK activities are separate and not addressed here.**

Turning Aluminum Cans into Navy Dollars:

The Navy's Qualified Recycling Program

By LCDR Johnathan Blazek, Deputy Region Environmental Counsel

While there are numerous selfless reasons to recycle, being a good steward of the environment on a military base literally pays off in more ways than one. The proceeds from the sale of aluminum cans and other recyclable waste collected on military bases may be transferred to the installation's non-appropriated morale, welfare, and recreation (MWR) account.

Typically, any money generated by a federal facility is subject to the Miscellaneous Receipts Act, a federal statute which provides that a government official "...receiving money for the Government from any source shall deposit that money with the Treasury." 31 U.S.C. § 302(b). However, 10 U.S.C. § 2577, grants a limited exception to this general rule, allowing for the operation of recycling programs at military installations.

A few rules must first be followed before any proceeds may be transferred to the MWR account. An installation must have a Qualified Recycling Program (QRP) in order to receive proceeds from the sale of recyclable materials. An authorized QRP may sell recyclables directly to vendors, by consignment to Defense Logistics Agency Disposition Services, or through indirect sales using contractors. The proceeds from the sale of recyclable materials must first be used by an installation to cover the operations, maintenance, and overhead costs of processing recyclable materials. If funds remain after covering these costs, up to 50 percent of the balance "may be used at the installation for projects for pollution abatement, energy conservation, and occupational safety and health activities." 10 U.S.C. § 2577(b)(2). Any remaining proceeds may be transferred to the MWR account of the installation to be used for any MWR activity. Unused proceeds may be maintained in a QRP account and may be carried forward from one fiscal year to the next. However, if the balance of an installation's QRP account exceeds \$2,000,000 at the end of any fiscal year, the excess must be transferred to the Treasury as a miscellaneous receipt.

Considering that the money received from recyclables may be used to fund Navy programs and fill MWR coffers, it should not surprise you that installations are protective of their recyclable materials. The QRP instruction for Navy Region Mid-Atlantic specifically provides, "[a]ny material that is found in or around a refuse dumpster or any material abandoned on base is the property of the Government and may not be taken for personal use." COMNAVREGMIDLANTINST 5090.5A. Dumpster divers beware!

So, next time you toss a can into a blue bin, feel free to think of it as a personal donation to our MWR program.

"Being a good steward of the environment... pays off in more ways than one."

RLSO MIDLANT Adjudged Court-Martial Sentences
July 2017 – December 2017

General Courts-Martial

At a General Court-Martial in Groton, Connecticut, an E-1, USN, pled guilty pursuant to a pretrial agreement to one specification of false official statement, four specifications of wrongful use of a controlled substance, and one specification of breaking restriction. On 7 July 2017, the military judge sentenced him to be discharged with a Bad Conduct Discharge and confinement for 161 days. The pretrial agreement had no effect on the sentence.

At a General Court-Martial in Norfolk, Virginia, an E-3, USN, was tried for one specification of abusive sexual contact and one specification of sexual assault. On 20 July 2017, the panel of members returned a verdict of not guilty.

At a General Court-Martial in Norfolk, Virginia, an E-5, USN, was tried for two specifications of sexual assault. On 27 July 2017, the panel of members returned a verdict of guilty of sexual assault and sentenced him to be discharged with a Dishonorable Discharge and confinement for 4 years.

At a General Court-Martial in Norfolk, Virginia, an E-4, USN, was tried for two specifications of sexual assault. On 11 September 2017, the panel of members found him guilty of one specification of sexual assault and sentenced him to be discharged with a Dishonorable Discharge, to forfeit all pay and allowances, reduction in rank to paygrade E-1, and confinement for 8 years.

At a General Court-Martial in Norfolk, Virginia, an E-2, USN, pled guilty pursuant to a pretrial agreement to four specifications of false official statement and one specification of extortion. On 20 September 2017, the military judge sentenced her to be discharged with a Dishonorable Discharge, to total forfeitures, reduction in rank to paygrade E-1, a fine of \$300, and confinement for 18 months. Pursuant to the pretrial agreement, all confinement greater than 5 months is to be suspended.

At a General Court-Martial in Norfolk, Virginia, an E-3, USN, was tried for numerous charges involving indecent visual recording. On 18 November 2017, the panel of members found him guilty of indecent visual recording and sentenced him to be discharged with a Bad Conduct Discharge, to forfeit \$2,125.80 pay per month for 3 months, reduction in rank to paygrade E-1, and confinement for 6 months.

At a General Court-Martial in Norfolk, Virginia, an E-3, USN, pled guilty pursuant to a pretrial agreement to sexual harassment, false official statement, and assault consummated by a battery. On 20 November 2017, the military judge sentenced him to be discharged with a Bad Conduct Discharge and confinement for 19 months. Pursuant to the pretrial agreement, all confinement greater than 18 months is to be suspended.

At a General Court-Martial in Norfolk, Virginia, an E-3, USN, pled guilty pursuant to a pretrial agreement to absence without leave terminated by apprehension, false official statement, three specifications of wrongful distribution of a controlled substance, and wrongful use of a controlled substance. On 13 December 2017, the military judge sentenced her to be discharged with a Bad Conduct Discharge and confinement for 15 months. Pursuant to the pretrial agreement, all confinement greater than 11 months is to be suspended.

For additional results of courts-martial, please visit: <http://www.jag.navy.mil/news/ROT.htm>.

Special Courts-Martial

At a Special Court-Martial in Norfolk, Virginia, an E-7, USMC, pled guilty pursuant to a pretrial agreement to five specifications of sexual harassment, three specifications of fraternization, and one specification of assault consummated by a battery. On 20 July 2017, the military judge sentenced him to be discharged with a Bad Conduct Discharge, reduction in rank to paygrade E-1, and confinement for five months. Pursuant to the pretrial agreement, the Bad Conduct Discharge and all confinement greater than 10 months is to be suspended.

At a Special Court-Martial in Norfolk, Virginia, an E-4, USN, pled guilty pursuant to a pretrial agreement to one specification of assault consummated by a battery. On 13 September 2017, the military judge sentenced him to receive a reprimand and restriction for 30 days. The pretrial agreement had no effect on the sentence.

At a Special Court-Martial in Norfolk, Virginia, an E-2, USN, pled guilty pursuant to a pretrial agreement to willful dereliction of duty. On 18 September 2017, the military judge sentenced him to reduction in rank to paygrade E-1 and confinement for 30 days. The pretrial agreement had no effect on the sentence.

At a Special Court-Martial in Norfolk, Virginia, an E-4, USN, was tried for one specification of wrongful use of a controlled substance. On 20 September 2017, the military judge returned a verdict of not guilty.

At a Special Court-Martial in Norfolk, Virginia, an E-1, USN, pled guilty pursuant to a pretrial agreement to wrongful use of marijuana. On 4 October 2017, the military judge sentenced him to forfeit \$525.00 pay per month for 3 months, and confinement for 73 days. Pursuant to the pretrial agreement, all confinement greater than time already served is to be suspended.

At a Special Court-Martial in Norfolk, Virginia, an E-5, USN, pled guilty pursuant to a pretrial agreement to possession of child pornography. On 12 October 2017, the military judge sentenced him to be discharged with a Bad Conduct Discharge, reduction in rank to paygrade E-1, and confinement for 315 days. The pretrial agreement had no effect on the sentence.

At a Special Court-Martial in Norfolk, Virginia, an E-2, USN, pled guilty pursuant to a pretrial agreement to a violation of Federal Law 18 U.S Code Section 1029 (a)(2). On 27 October 2017, the military judge sentenced him to be discharged with a Bad Conduct Discharge, reduction in rank to paygrade E-1, and confinement for 4 months. Pursuant to the pretrial agreement, all confinement greater than 89 days is to be suspended.

At a Special Court-Martial in Norfolk, Virginia, an E-4, USN, pled guilty pursuant to a pretrial agreement to fraudulent enlistment, wrongful possession of marijuana, wrongful use of cocaine, obstruction of justice, and assault. On 28 November 2017, the military judge sentenced him reduction in rank to paygrade E-3, and confinement for 89 days, however the military judge ordered 30 days of confinement credit due to prior non-judicial punishment. The pretrial agreement had no effect on the sentence.

At a Special Court-Martial in Norfolk, Virginia, an E-2, USN, pled guilty pursuant to a pretrial agreement to desertion and escape from custody. On 18 December 2017, the military judge sentenced him to be discharged with a Bad Conduct Discharge and confinement for 11 months. The pretrial agreement had no effect on the sentence.

At a Special Court-Martial in Norfolk, Virginia, an E-4, USN, pled guilty pursuant to a pretrial agreement to larceny of military property. On 28 December 2018, the military judge sentenced him to reduction in rank to paygrade E-1, a fine of \$500, and confinement for 120 days. The pretrial agreement had no effect on the sentence.

For additional results of courts-martial, please visit: <http://www.jag.navy.mil/news/ROT.htm>.

RLSO MIDLANT Board of Inquiry Results
July 2017 – December 2017

During a Board of Inquiry held on 13 July 2017, an O-5 was ordered to show cause for retention due to misconduct under UCMJ, Articles 128, 133, and 134, and Substandard Performance of Duty. The BOI found that the member had committed misconduct and Substandard Performance. The Board recommended retention.

During a Board of Inquiry held on 13 July 2017, an O-5 was ordered to show cause for retention due to misconduct – found guilty of misdemeanor driving while intoxicated (DWI) and Substandard Performance of Duty. The BOI found that the member had committed misconduct but the evidence did not support the basis for Substandard Performance. The Board recommended retention.

During a Board of Inquiry held on 15 August 2017, an O-4 was ordered to show cause for retention due to Substandard Performance of Duty (two specifications). The BOI found no basis on all specifications.

During a Board of Inquiry held on 29 August 2017, an O-3 was ordered to show cause for retention due to Substandard Performance of Duty. The BOI found that the member committed Substandard Performance of Duty. The Board recommended separation with an Honorable characterization of service.

During a Board of Inquiry held on 30 August 2017, an O-3 was ordered to show cause for retention due to misconduct under UCMJ, Articles 107 (two specifications), and 133 (two specifications), and Substandard Performance of Duty. The BOI found that the member had committed misconduct but the evidence did not support the basis for Substandard Performance. The Board recommended retention.

During a Board of Inquiry held on 19 September 2017, an O-4 was ordered to show cause for retention due to misconduct under UCMJ, Articles 80, 86, 92, and 107, and Substandard Performance of Duty. The BOI found that the member had committed misconduct and Substandard Performance. The Board recommended separation with a General (Under Honorable Conditions) characterization of service.

During a Board of Inquiry held on 20 September 2017, an O-6 was ordered to show cause for retention due to misconduct under UCMJ, Article 92 and Substandard Performance of Duty. The BOI found that the member had committed misconduct and Substandard Performance. The Board recommended retention.

During a Board of Inquiry held on 26 September 2017, an O-5 was ordered to show cause for retention due to misconduct under UCMJ, Articles 92, 107, and 133, misconduct – unlawful drug involvement, and Substandard Performance of Duty. The BOI found that the evidence only supported a basis for misconduct under UCMJ, Articles 107 and 133. The Board recommended retention.

During a Board of Inquiry held on 5 October 2017, an O-4 was ordered to show cause for retention due to misconduct under UCMJ, Articles 92 and 133, and Substandard Performance of Duty. The BOI found that the member had committed misconduct and Substandard Performance. The Board recommended retention.

During a Board of Inquiry held on 16 October 2017, an O-3 was ordered to show cause for retention due to misconduct under UCMJ, Article 111 and Substandard Performance of Duty. The BOI found that the member had committed misconduct but the evidence did not support the basis for Substandard Performance. The Board recommended retention.

During a Board of Inquiry held on 17 October 2017, an O-3 was ordered to show cause for retention due to misconduct –civilian conviction under VA CODE 18.2-130, VA CODE 18.2-371, and Substandard Performance of Duty. The BOI found that the member had committed misconduct and Substandard Performance. The Board recommended separation with an Other Than Honorable characterization of service.

During a Board of Inquiry held on 25 October 2017, an O-3 was ordered to show cause for retention due to misconduct - civilian arrest (domestic violence – pled no contest) and Substandard Performance of Duty. The BOI found no basis on all specifications.

During a Board of Inquiry held on 1 November 2017, an O-3 was ordered to show cause for retention due to misconduct under UCMJ, Article 111 and Substandard Performance of Duty. The BOI found no basis on all specifications.

During a Board of Inquiry held on 2 November 2017, an O-5 was ordered to show cause for retention due to misconduct under UCMJ, Articles 107, 112a (four specifications), and 121, and Substandard Performance of Duty. The BOI found that the member had committed misconduct and Substandard Performance. The Board recommended retention.

During a Board of Inquiry held on 14 December 2017, an O-4 was ordered to show cause for retention due to Substandard Performance of Duty (three specifications). The BOI found that the evidence only supported one specification on Substandard Performance. The Board recommended retention.

During a Board of Inquiry held on 18 December 2017, an O-4 was ordered to show cause for retention due to misconduct under UCMJ, Article 92 and Substandard Performance of Duty. The BOI found no basis on all specifications.

RLSO MIDLANT *COMMAND SERVICES TEAM*

HAMPTON ROADS AOR

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RLSO Mid-Atlantic welcomes suggestions for articles and recommendations for improvement. For addition to the RLSO Legal Compass distribution list or to make suggestions or recommendations, please email:

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